

No. 08-0380 the appropriate fee are filed concurrently with this Amendment.

Please amend the above-identified application as follows:

In the Claims: ✓ ✓ ✓ ✓ ✓ ✓

Please cancel Claims 10, 11, 23, 24, 28 and 30.

Please amend the following claims:

1. (Amended) A pharmaceutical composition comprising a mutated herpesvirus in a pharmaceutically acceptable carrier, the herpesvirus having a mutation in one or more genes encoding a protein essential for viral replication to render the herpesvirus replication defective, said mutant herpesvirus having an ability to effect an antibody subclass shift of [IgG2a to IgG1] IgG2a/IgG upon in vivo administration to a mammal.

9. (Amended) A pharmaceutical composition comprising a mutated herpesvirus in a pharmaceutically acceptable carrier, the herpesvirus having a mutation in one or more genes encoding a protein essential for viral replication to render the herpesvirus replication defective, said mutant herpesvirus having an ability to [effect an antibody subclass shift of IgG2a to IgG1 and] induce an immunological protective effect upon administration to a mammal.

12. (Amended) A method of treating an immunomodulatory disease in a mammal in need thereof comprising administering to the mammal an effective amount of a mutated herpesvirus in a pharmaceutically acceptable carrier, the herpesvirus having a mutation in one or more genes encoding a protein essential for viral replication to render the herpesvirus replication

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defective, said mutant herpesvirus having an ability to effect an antibody subclass shift of [IgG2a to IgG1] IgG2a/IgG upon *in vivo* administration to said mammal.

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17. (Amended) A method of treating an immunomodulatory disease in a mammal in need thereof comprising administering to the mammal an effective amount of a mutated herpesvirus in a pharmaceutically acceptable carrier, the herpesvirus having a mutation in one or more genes encoding a protein essential for viral replication to render the herpesvirus replication defective, said mutant herpesvirus having an ability to effect a subclass shift of [IgG2a to IgG1] IgG2a/IgG and induce an immunological protective effect upon administration.

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Please add the following claims:

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--33. The method of Claim 32 wherein the herpesvirus is selected from the group consisting of HSV-1, HSV-2, VZV, EBV, CMV, HHV-6 or HHV-7.
34. The method of Claim 32 wherein the herpesvirus is HSV-1 or HSV-2.
35. The method of Claim 32 wherein the mutation is in the gene or genes encoding the proteins ICP8 or ICP27.
36. The vaccine of Claim 32, wherein said herpesvirus further encodes one or more heterologous genes.--